

AMENDED IN ASSEMBLY MAY 2, 2007

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1238

Introduced by Assembly Member Plescia

February 23, 2007

An act to amend Section 25365 of the Government Code, relating to county property.

LEGISLATIVE COUNSEL'S DIGEST

AB 1238, as amended, Plescia. County property: exchanges.

Existing law authorizes the board of supervisors of a county to exchange real property of equal value with any person, firm, or corporation, for the purpose of removing defects in the title to real property owned by the county, or where the real property to be exchanged is not required for county use and the property to be acquired is required for county use, as specified.

This bill would instead authorize the board of supervisors of a county to exchange real or personal property, as specified, provided that the value of any private real property exchanged is equal to, or greater than, 75% of the value of the county property offered in exchange, and would limit other personal property added to the balance of the transaction, as specified, to be no more than 25% of the value of the county property proposed for exchange. The bill would exempt property that is valued at \$50,000 or less from this requirement.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 25365 of the Government Code is amended to read:

25365. The board of supervisors may, by a four-fifths vote, grant, convey, quitclaim, assign, or otherwise transfer to the state or to any community redevelopment agency, housing authority, community development commission, surplus property authority, federal agency, city, school district, irrigation, flood control, county board of education, or other special district within the county or exchange with such public entities, any real or personal property, or interest therein belonging to the county upon these terms and conditions as are agreed upon and without complying with any other provisions of this code, if the property or interest therein to be granted and conveyed or quitclaimed is not required for county use or in the event of an exchange, the property to be acquired is required for county use. The board of supervisors may also, by a four-fifths vote, exchange real property with any person, firm or corporation, for the purpose of removing defects in the title to real property owned by the county, or where the real property to be exchanged is not required for county use and the property to be acquired is required for county use. If the real properties to be exchanged are not of equal value, either party to the exchange may contribute cash or other real or personal assets, acceptable to the other party, to balance the transaction.

The value of any private real property exchanged shall be equal to, or greater than, 75 percent of the value of the county property offered in exchange. The cash or other real or personal assets to be added to balance the transaction shall not be greater than 25 percent of the value of the county property proposed for exchange. However, any exchange of real property, where the value of each parcel to the exchange is less than \$50,000, is exempt from this requirement, subject to approval by the county director of general services or another designated authority.

Unless the body or agency to which the property is transferred pursuant to this section and the body or agency transferring the property are governed by the same county board of supervisors, the transferring board of supervisors shall publish a notice of its intended action pursuant to Section 6061 at least one week prior

1 thereto in a newspaper of general circulation published in the
2 county.
3 ~~Nothing in this section shall be interpreted to permit an exchange~~
4 ~~of real property where a surplus sale would otherwise be required.~~

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